



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Ecology AO #10-14

- ☒ **Preproposal Statement of Inquiry was filed as WSR 11-08-062 ; or**  
☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**  
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**  
☐ **Supplemental Notice to WSR \_\_\_\_\_**  
☐ **Continuance of WSR \_\_\_\_\_**

**Title of rule and other identifying information:** The Department of Ecology proposes to adopt amendments to the Uses and Limitations of the Water Pollution Control Revolving Fund (Revolving Fund), Chapter 173-98 Washington Administrative Code (WAC), and Uses and Limitations of Centennial Clean Water Fund (Centennial), Chapter 173-95A WAC.

**Hearing location(s):** The public hearing will be held at the four sites listed below. The sites will be linked through video conferencing. Interested parties can attend any of the four sites to participate in the public hearing. Lacey will be the lead site for the hearing.

**Lacey – Lead site**

Ecology Headquarters Office  
 300 Desmond Drive SE  
 Lacey, WA 98503

**Yakima**

Ecology Central Regional  
 Office  
 15 West Yakima Ave – Ste.200  
 Yakima, WA 98902-3452

**Spokane**

Ecology Eastern Regional  
 Office  
 4601 N. Monroe Street  
 Spokane, WA 99205-1295

**Bellevue**

Ecology NW Regional Office  
 3190 - 160th Ave. SE  
 Bellevue, WA 98008-5452

Date: July 26, 2011 Time: 2:00 p.m.

**Date of intended adoption:** Sept. 7, 2011  
 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Joseph Coppo  
 Address: P.O. Box 47600  
 Lacey, WA 98504-7600  
 e-mail: joseph.coppo@ecy.wa.gov  
 fax (360) 407-7151

by Aug. 3, 2011

**Assistance for persons with disabilities:** Contact  
 The Water Quality Program, (360) 407-6502 by July 19, 2011

Persons with hearing loss, call 711 for Washington Relay  
 Service. Persons with a speech disability, call 877-833-6341.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rule proposal is to amend Chapter 173-98 WAC to establish funding categories, ceiling amounts, and project eligibility for Green Project Reserves (GPR) projects and forgivable principal loans as part of the Revolving Fund. Chapter 195-95A WAC is amended to maintain consistency between the Revolving Fund and Centennial rules.

**Reasons supporting proposal:** Adopting these changes will allow Ecology to continue to receive federal capitalization grants for the State's Revolving Fund program, which provides financial assistance to local governments for water quality improvement projects.

**Statutory authority for adoption:** Chapter 90.48.035 RCW provides Ecology with authority to promulgate, amend, or rescind rules concerning water pollution control. Chapter 43.21.080 RCW provides Ecology the authority to adopt rules and regulations. Chapter 90.50A.040 RCW provides clear and direct authority for Ecology to revise rules to administer the Water Pollution Control Revolving Fund.

**Statute being implemented:** Chapter 90.50A RCW, *Water pollution control facilities — federal capitalization grants*, and Chapter 70.146 RCW, *Water pollution control facilities financing*.

**Is rule necessary because of a:**

- Federal Law? ☒ Yes ☐ No  
 Federal Court Decision? ☐ Yes ☒ No  
 State Court Decision? ☐ Yes ☒ No  
 If yes, CITATION:  
 Clean Water Act Title VI, 2011 Appropriation

**DATE**  
 6/20/11

**NAME** (type or print)  
 Polly Zehm

**SIGNATURE** *Polly Zehm*

**TITLE**  
 Deputy Director, Department of Ecology

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE: June 22, 2011**  
**TIME: 9:30 AM**

**WSR 11-13-125**

(COMPLETE REVERSE SIDE)

<b>Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:</b> N/A		
<b>Name of proponent:</b> (person or organization) Department of Ecology – Water Quality Program		<input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental
<b>Name of agency personnel responsible for:</b>		
Name	Office Location	Phone
Drafting..... Joseph Coppo	Headquarters – Lacey, Department of Ecology	(360) 407-6510
Implementation.....Steve Carley	Headquarters - Lacey, Department of Ecology	(360) 407-6572
Enforcement..... Steve Carley	Headquarters - Lacey, Department of Ecology	(360) 407-6572
<b>Has a small business economic impact statement been prepared under chapter 19.85 RCW?</b> <input checked="" type="checkbox"/> No. Explain why no statement was prepared. These proposed rule changes are exempt from Chapter 19.85 RCW because the stakeholders and clients impacted by the proposed rule changes are government bodies and therefore no small businesses are impacted.		
<b>Is a cost-benefit analysis required under RCW 34.05.328?</b> <input checked="" type="checkbox"/> No: Please explain: This is not a significant legislative rule and the rule relates only to internal governmental operations that are not subject to violation by a nongovernment party.		